

UNITED STATE DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

PLAINTIFF,

v.

ANDREAS BADIAN, et al.,

DEFENDANTS.

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: 06-CV-2621 (LTS)
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[REDACTED] DECLARATION OF KYLE M. DEYOUNG

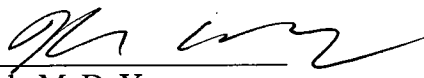
KYLE M. DEYOUNG hereby declares under penalty of perjury, as follows:

1. I am counsel for the Securities and Exchange Commission (“Commission” or “SEC”) in this action.
2. I submit this declaration in connection with the SEC’s Opposition to Defendant Andreas Badian’s Motion *In Limine* For An Order Precluding Any Party From Referring To Or Offering Evidence Concerning The 2003 Criminal Complaint Against Thomas Badian And Andreas Badian (the “Opposition”).
3. Lodged herewith are the SEC’s Exhibits referred to in its Opposition.
4. Exhibit A is a true and correct copy of the SEC order dated June 17, 2002 (SEC Ex 7).
5. Exhibit B is a true and correct copy of the SEC complaint against Thomas Badian and Rhino, dated February 26, 2003 (SEC Ex. 290).
6. Exhibit C is a true and correct copy of the Consent and Undertaking dated December 3, 2002 (SEC Ex. 8).

7. Exhibit D is a true and correct copy of Final Judgment of Permanent Injunction and Other Equitable Relief dated March 3, 2003 (SEC Ex. 9).
8. Exhibit E is a true and correct copy of the Criminal Complaint dated December 3, 2003 (SEC Ex. 296).
9. Exhibit F is a true and correct copy of excerpts of Stefan Siegel's deposition transcript dated July 28, 2009, with redactions.
10. Exhibit G is a true and correct copy of excerpts of Robert Charron's deposition transcript dated June 12, 2008.
11. Exhibit H is a true and correct copy of the documents produced by Siegel on August 11, 2009 (SEC Ex. 300).
12. Exhibit I is a true and correct copy of the Rhino's 21(a) Statement dated July 17, 2003 (SEC Ex. 12).
13. Exhibit J is a true and correct copy of the documents produced by Siegal on September 30, 2008 (SEC Ex. 301), with redactions.
14. Exhibit K is a true and correct copy of wire transfer records showing Siegel's account activity provided by Torrey Pines Bank (SEC Ex. 298), with redactions.
15. Exhibit L is a true and correct copy of a letter from Mishcon de Reya solicitors dated May 18, 2009, confirming the ownership of Amro (SEC Ex. 366), with redactions.
16. Exhibit M is a true and correct copy of the privilege log provided to the SEC by Siegel's counsel dated January 5, 2010, showing communications between counsel for Siegel and counsel for Andreas Badian (SEC Ex. 303).

Pursuant to 28 U.S. C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: Washington, DC.
December 9, 2010



Kyle M. DeYoung